REMARKS

The Applicant's undersigned representative thanks the Examiner for the interview of December 19, 2001, and based on that discussion of the subject matter of the present invention submits the following remarks.

Claims 1 and 5 are rejected, under 35 U.S.C. § 102, as being anticipated by Gonzalez `526. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102, the prior art reference must disclose each and every element of the presently claimed invention. The Examiner alleges in paragraph 3 of the Official Action that "Gonzalez discloses a ball valve comprising a valve body 10 made of bar stock; an eccentric flow passage; and a quarter turn valve 11". The Applicant has made a thorough study of the Gonzalez reference, particularly Figs. 1 and 2 as well as the detail description, and can find no disclosure relating to an eccentrically positioned flow passage.

Observing Fig. 1 of the Gonzalez reference, which is specifically drawn to a lockable end plug 22 for valve housings, a central bore is shown formed directly along and about the longitudinal center axis of the valve body 10A defining equally dimensioned opposing valve body walls. Fig. 2 of Gonzalez, is alleged to be a cross-sectional view along the line 2-2 of Fig. 1. However, the Applicant believes this cross-section inaccurately shows the valve body wall adjacent the valve stem 14 having a smaller, or thinner, cross sectional area. It is respectfully submitted that this representation in Fig. 2 is either an incorrect corresponding figure or an asymmetrical cross section of the valve body 10A, not a cross section of the valve along line 2-2.

Accordingly, Fig. 2 is believed to be an incorrect rendering of the cross-section shown in Fig. 1. As can be appreciated by persons of ordinary skill in the art, a proper cross-sectional representation of Fig. 1 along the line 2-2 should show equal wall thicknesses on any opposing side. Furthermore, there is no express or inherent disclosure, teaching or suggestion in the

specification that supports any positioning of the valve's through bore other than along the central axis of the bar stock as shown in Fig. 1. The Applicant also notes in Fig. 2 that the cross-hatching indicating the cross-section portion of the valve body 10a is different between the upper wall section adjacent the valve stem 14 and the opposing lower wall section. A properly drawn figure should show cross hatching by regularly spaced oblique parallel lines as required under 37 C.F.R. 1.84, and thus the Applicant believes this to be additional evidence that the Fig. 2 neither discloses, teaches or suggests an eccentrically positioned bore as presently claimed and therefore, the Applicant respectfully requests withdrawal of the anticipation rejection.

In view of the fact that claims 2, 3 and 6 depend from claims 1 and 5 respectively, which are believed allowable in view of the above remarks, these dependent claims are thus believed to be allowable as well. However, in order to fully address all the issues raised in the official action the Applicant provides the further following remarks with respect to the raised obviousness rejections.

Claims 2, 3 and 6 are rejected, under 35 U.S.C. § 103, as being unpatentable over Gonzalez `526 in view of Rawstron et al. `032. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

As the Examiner is undoubtedly aware, in order to properly combine references, there must be some teaching, suggestion or motivation in the references which would lead one of ordinary skill in the art to combine the references as alleged by the Examiner. Primarily, as pointed out in the Applicant's previous response, Rawstron et al. `032 is drawn to a cast valve casing specifically a "casing consisting of two sections secured together by bolts 12 and sealed by an O-ring 13". Such a cast casing is particularly different, as well as significantly more expensive, than utilizing common bar stock as shown in Gonzalez `526 and claimed in the present invention. Importantly, neither of these references, either alone or in combination disclose or teach th above described features of the Applicant's eccentrically positioned bore, thicker and thinner walls and specifically located bore stem.

Additionally, Rawstron et al. `032 is a three-way cast ball valve and Gonzalez `526 relates merely to a lockable plug for use in an elongated bar stock housing. It is the Applicant's position that any novelty disclosed in Gonzalez `526 relating to the lockable plug for the bar stock valve housing relates to such different devices and separate functions of these respective devices, that no person of ordinary skill in the art would, in any manner combine the two references to produce the invention as specifically claimed.

Furthermore, even a combination of Rawstron et al. `032 and Gonzalez `526, if proper, and such is adamantly not conceded, still does not show, teach or disclose, either expressly or inherently, the features of the presently claimed invention, most notably as recited in claim 1, "a through machine flow port located eccentrically on said inlet and said outlet ends; wherein said main flow port eccentric location increases the available bar stock thickness at one outer wall location and decreases bar stock thickness in the opposite wall." Therefore the Applicant believes that claims 2 and 3 are unobvious in view of the cited art and respectfully requests withdrawal of the obviousness rejections.

With respect to claim 6, the Applicant can find no teaching or suggestion that would lead a person of ordinary skill in the art to fabricate the valve having the eccentrically positioned through bore at least the steps of "..... machining a throughbore in said barstock symmetrically about the offset throughbore axis to produce an eccentrically located throughbore defining a thicker portion and a thinner portion of said barstock outer wall.." and ".....machining a valve stem bore perpendicular to said throughbore in the thicker portion of the barstock outer wall located a maximum distance from said offset throughbore axis..... ". In fact, Rawstron is a cast casing which teaches specifically away from using bar stock as a valve body.

Finally, the Applicant has added new claims 7 and 8 to further clarify the inventive subject matter of this application. Claim 7 is specifically drawn to the <u>two port valve</u> having the stem located in the <u>thicker section</u> of the eccentrically formed walls of the valve body, specifically as recited in claim 7, "A two port fluid control valv comprising.....a machined through bore extending between the inlet end and the outlet end of the barstock body about an

offset longitudinal flow port axis parallel spaced from the central longitudinal axis". Claim 8 recites a three port valve body having the valve stem located in the thinner section of the eccentrically formed wall across from the thicker section necessary to adequately support the third or bottom port of the three port valve. These claims are believed to include further features not anticipated nor rendered obvious in view of any of the cited art and are thus believed allowable as well.

In view of the above amendments new claims and remarks, it is respectfully submitted that all of the raised anticipation and obviousness rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Wright `543, Miller, Watson or Shibata references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised anticipation and obviousness rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on: December 21, 2001.

Scott A. Daniels
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

6. (~~New~~**AMENDED**). A method of forming a barstock body fluid control valve using reduced barstock size and a standard size valv stem, the method comprising the steps of:

selecting the reduced size barstock having a desired ~~outerwall~~**outer wall** configuration formed about a longitudinal center line and cutting the reduced barstock size to length;

forming a valve body by machining flat surfaced ends on said reduced barstock size perpendicular to said barstock outer wall;

defining a throughbore axis offset from and parallel to the longitudinal centerline of the barstock;

machining a throughbore in said barstock symmetrically about the offset throughbore axis to produce an eccentrically located throughbore defining a thicker portion and a thinner portion of said barstock outer wall;

machining a valve stem bore perpendicular to said throughbore in the thicker portion of the barstock ~~outerwall~~**outer wall** located a maximum distance from said offset throughbore axis;

selecting a standard size valve stem to be inserted in the valve stem bore in the thicker portion of the barstock outer wall resulting in the thinner portion of the barstock wall positioned opposite the valve stem; and

installing a**the** standard size valve stem in said valve stem bore~~; and~~

~~wherein the thicker portion of the barstock outerwall permits the standard size valve stem to be used with the reduced barstock size resulting in the thinner portion of the barstock wall positioned opposite the valve stem.~~.